

Federal and State Grand Juries: A Brief Synopsis

A comparison of the differences and similarities of Federal & State Grand Juries

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Introduction:

I personally began my own research because, for the most part, my “I Believe” button was broken long ago. I have been told to shut up in classes (elementary through high school) when I pointed out oxy morons, and have been kicked out of a number of churches for asking “too many questions,” and as one Catholic Priest put it, at the tender age of 10-years-old, “You are too smart for your own good. There is no reason for you to return here for services.”

Luckily, or just through my own ‘dog-with-a-bone’ perseverance, I have met a few people who were not only unselfishly giving of their time, but of their wisdom as well. To name a few, quickly (and I apologize for leaving anyone out of this brief list), Bob Proctor, John Canary (he told me the truth/facts about the Bush family and the Skull n Bones secret society), and in the past year, I must include Michael Badnarik, author of “Good To Be King,” Constitutional Expert, and whom I’ve personally nicknamed, ‘The guy who puts the Bandit to shame.’ (I will not take the time now to address the progression of my own seeking of truth voyage; nor the tragedies, which I’ve experienced in my own life; that is for another time.)

Too often, We the People have either forgotten what our Rights are, have falsely and incorrectly believed we obtain our Rights through the Constitution and Bill of Rights, or have just been taught incorrectly (very plausibly on purpose) by the government guided schools (there is no such thing as a “Private School” anymore, as they are under the governments thumb as well).

By speaking with numerous people from all types of different backgrounds, races, religions and upbringing, it is clear to see the ‘Ignorance’ of We the People has become a True National Epidemic. We clearly cannot rely upon the government to address this epidemic. Why? Simply put, they are the ones who have created this Epidemic of Ignorance, and they do NOT want a cure to be easily obtained by the public. However, with accurate and truthful information and facts, it is self-evident that Ignorance is Curable!

We the People do not understand (because we have forgotten) the power we have in participating in our local Assemblies. That is our opportunity to have our voices heard, and to ensure the government personnel abide by their Oath of Office, and that they operate as a republic – not a democracy. Our voices will protect our own rights and property, as well as others’ rights and property.

We the People do not realize that as a grand juror, we are not only examining the alleged crime, but the law itself. We blindly listen to the prosecutors and the judges who tell us what we can and can’t do, when in reality, we can decide if a law actually applies to an alleged crime.

Consider a man who murders another man...and the evidence is clear that he did it. Through investigation, we discover the man murdered the other man because he was molesting his 6-year-old daughter. As a Grand Jury, we are able to say that law is not applicable in this case, and CHOOSE to not have him indicted. That is "jury nullification."

On a side note, cases can be dismissed with or without prejudice. 'Without prejudice' means that person can be brought up on the same charges again. 'With prejudice' means that person cannot be brought up on the same charges again.

A grand jury also has the opportunity – and RIGHT – to investigate the alleged crime independently of the prosecutor. They can decide whether or not charges should be brought forth. They can also decide that if there is no victim, there is no crime! We have way too many people in prison who did not injure, damage, assault or trespass another person or another's property, and this has to STOP!

This book has been created solely for the purpose of correctly educating We the People. I personally thank you for taking the initiative to educate yourself, and look forward to the day our paths cross!

Sincerely and peacefully,

April Reigne

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Chapter 1

Grand Jury Members

A federal grand jury consists of 16 to 23 people. Each state can use a different number of jurors for different kinds of grand juries; they have retained the Right to make their own rules.

On the immediate following pages is a list of the number of people that make up each states' grand jury. Included is each state's court rule, statute, constitution, or the specific case that sets the required number of the grand jurors.

<u>STATE</u>	<u>SOURCE</u>	<u>Number of Jurors</u>	<u>STATE</u>	<u>SOURCE</u>	<u>Number of Jurors</u>
ALABAMA	CRIMINAL PROCEDURE RULE 12.2(a) & ALA. CODE 12-16-74	18	MONTANA	MONTANA CODE 3-15-103	11
ALASKA	CRIMINAL PROCEDURE RULE 6(d) & ALASKA STAT. 12.40.020	12-18	NEBRASKA	NEB. REVISED STATUTES 25-1633	16
ARIZONA	REVISED STATUTES 21-322(B) & 21-101	16-18	NEVADA	NEV. REVISED STATUTES 6.110 & 6.120	17
ARKANSAS	ARK. CODE 16-32-201(c)	16	NEW HAMPSHIRE	State v. Fleury, 114 N.H. 325,327, 321 A.2d 108, 110 (N.H. 1974)	23

<u>STATE</u>	<u>SOURCE</u>	<u>Number of Jurors</u>	<u>STATE</u>	<u>SOURCE</u>	<u>Number of Jurors</u>
CALIFORNIA	CAL. PENAL CODE 888 & 88.2 & 904	11 or 19 or 23	NEW JERSEY	N.J. STATUTES 2a:73-1	23
COLORADO	COLO. REVISED STATUTES 13-72-102 & COLO CONSTITUTION ARTICLE II, SECTION XXIII	12 or 23	NEW MEXICO	N.M. STATUTES 31-6-1 & N.M. CONSTITUTION ARTICLE II, SECTION 14	12
CONNECTICUT	CONN. GENERAL STATUTES 54-47(b)(3)	1-3	NEW YORK	N.Y. CRIMINAL PROCEDURE LAW 190.05 (McKinney 1995)	16-23
DELAWARE	DEL. CODE TITLE 10, SECTION 4505	10 or 15	NORTH CAROLINA	N.C. GENERAL STATUTES 15A-621	12-18
D.C.	D.C. CRIMINAL PROCEDURE RULE 6(a)(1)	16-23	NORTH DAKOTA	N.D. CODE 29-10.1-01 & 29-10.2-03	8-11
FLORIDA	FLA. STATUTES 905.01(1) & 905.37(3)	15-18	OHIO	OHIO CRIMINAL PROCEDURE RULE 6(a)	9

<u>STATE</u>	<u>SOURCE</u>	<u>Number of Jurors</u>	<u>STATE</u>	<u>SOURCE</u>	<u>Number of Jurors</u>
GEORGIA	GEORGIA CODE 15-12-61(a) & 15-12.100(b)	16-23	OKLAHOMA	OKLAHOMA STATUTES TITLE 22, SECTION 311	12
HAWAII	HAWAII PENAL PROCEDURE RULE 6(a)	16	OREGON	OREGON REVISED STATUTES 132.010	7
IDAHO	IDAHO CODE 2-103 & 2-502 & IDAHO CRIMINAL PROCEDURE 6(a)	16	PENNSYLVANIA	PENN. CRIMINAL PROCEDURE RULE 253(a)	23
ILLINOIS	ILL. REVISED STATUTES ch.705 305/16 & ch.725 5/112-2(a)	16	RHODE ISLAND	R.I. GENERAL LAWS 12-11-1 & 12-11.1-1 & R.I. SUPER. CT. R. CRIM. P. 6 (a)	13-23
INDIANA	INDIANA CODE 35-34-2-2(a)	6	SOUTH CAROLINA	S.C. CODE 14-7-1510 & 14-7-1620	18
IOWA	IOWA CRIMINAL PROCEDURE RULE 3(1) & IOWA CONSTITUTION ARTICLE I, SECTION 11	7	SOUTH DAKOTA	S.D. CODIFIED LAWS 23a-5-1	6-10

<u>STATE</u>	<u>SOURCE</u>	<u>Number of Jurors</u>	<u>STATE</u>	<u>SOURCE</u>	<u>Number of Jurors</u>
KANSAS	KANSAS STATUTES 22-23001(3)	15	TENNESSEE	TENN. CODE 40-12-206(a)	13
KENTUCKY	KY. REVISED STATUTES 29A.200 & KY. CONSTITUTION SECTION 248	12	TEXAS	TEX. CONSTITUTION ARTICLE V, SECTION 13	12
LOUISIANA	LOUISIANA CRIMINAL PROCEDURE CODE 413A	12	UTAH	CODE 77-10a-4(1)	9-15
MAINE	MAINE CRIMINAL PROCEDURE RULE 6(a)	13-23	VERMONT	VERMONT CRIMINAL PROCEDURE RULE 6(a)	18-23
MARYLAND	Attny. Grievance Com'n v. Bailey, 285 Md. 631, 403 A.2D 1261 (Md. App. 1979	23	VIRGINIA	VIRGINIA CODE 19.2-195	5 or 7
MASSACHUSETTS	MASS. GENERAL LAWS ch.277 SECTION 2	23	WASHINGTON	WASHINGTON REVISED CODE 10.27.020(6)	12

<u>STATE</u>	<u>SOURCE</u>	<u>Number of Jurors</u>	<u>STATE</u>	<u>SOURCE</u>	<u>Number of Jurors</u>
MICHIGAN	MICHIGAN COMPILED LAWS 767.11	13-17	WEST VIRGINIA	W.V. CRIMINAL PROCEDURE RULE 6(a)	16
MINNESOTA	MINN. STATUTES 628.41(1) & MINN. CRIMINAL PROCEDURE RULE 18.03(1)	16-23	WISCONSIN	WISCONSIN STATUTES 756.10(5)	17
MISSISSIPPI	MISS. CODE 13-5-41 & Unif. R. Cir. & Cty. Ct. 7.02	15-20	WYOMING	WYO. STATUTES 7-5-103(a); WYO CONSTITUTION ARTICLE I, SECTION 9; WYO. CRIM. P. 6(a)(4)(A)	12
MISSOURI	MISSOURI CONSTITUTION ARTICLE I, SECTION 16	12			

Chapter 2

A Grand Jury's Term

Common Law grand juries (which existed before the American Revolution) were in session for as long as the court that impaneled them was in session. The grand jury's term ended at the same time the court's session ended.

Federal grand juries are the opposite – they do not rely upon a courts' term. Federal statutes set the terms of regular and special grand juries. Regular grand juries sit from 18 to 24 months. “Special Grand Juries” are seated from 18 to 36 months.

The District of Columbia (D.C.) and 38 states follow the current federal practice by specifying the terms of their grand juries⁽¹⁾, however, the terms do vary. The shortest term is North Dakota, which is a 10-day-term, then Kentucky, which has a 20-day-term. The longest terms are 2 years, which are used in Oklahoma, Nevada, Utah, and the District of Columbia.

Grand juries in Hawaii, Michigan, Nevada and Wisconsin sit for a 1 year term, while Connecticut, Florida, Illinois, Rhode Island, South Dakota, Virginia and West Virginia have 18-month grand juries.

Alabama, Maine, Maryland, Nebraska, New York, Rhode Island, Tennessee and Texas still use the Common Law rule; these grand juries are only sitting while the courts are in session.

Alaska, Arkansas, Mississippi, Montana, Nevada, New Jersey, Ohio and Oklahoma all have a variable term for their grand juries. These grand juries sit for a specified number of months or until they are ‘discharged.’ Some states’ grand juries that are sat for a specific term also allow them to be discharged prior to that time, if they have completed their work.

Ten states specify the term a grand juror must serve instead of specifying a grand jury's term⁽²⁾. The periods specified for grand jurors vary, with Massachusetts requiring only 4-6 months of service and South Carolina requiring 2 years of service. California, Colorado, Iowa, and Wisconsin all require that jurors serve 1 year. North Carolina uses a sliding scale, requiring jurors to serve from 2-15 months.

Georgia and New Hampshire both use the grand jury term and grand juror service approaches. These states apply one approach to their regular grand juries and the other approach to their special grand juries.

1. The 38 states referred to are Alabama, Alaska, Arizona, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New

Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

2. The ten states referred to are Arkansas, California, Colorado, Delaware, Iowa, Massachusetts, Mississippi, North Carolina, South Carolina and Wisconsin.

Chapter 3

Quorum of Jurors

A quorum is the minimum number required for a state grand jury to conduct business. Such business would be considering charges should be brought forth or to investigate alleged criminal activity, or the conduct of public business within the community.

The following list gives the *minimum* number of grand jurors that are needed for a grand jury to convene. Remember that a few states use different numbers of jurors for different purposes, some of the entries list quorums of different numbers required (example: "14 or 8 or 12").

The numbers given are the number required for a quorum needed for various kinds of grand juries used in said state. When "NA" is given, no quorum is specified, due to the small size of the states' grand jury.

<u>STATE</u>	<u>QUORUM</u>	<u>STATE</u>	<u>QUORUM</u>
Alabama	13 jurors	Montana	11 jurors
Alaska	12 jurors	Nebraska	12 jurors
Arizona	9 jurors	Nevada	12 jurors
Arkansas	12 jurors	New Hampshire	12 jurors
California	4 or 8 or 12 jurors	New Jersey	12 jurors
Colorado	9 jurors	New Mexico	12 jurors
Connecticut	NA	New York	16 jurors
Delaware	9 or 7	North Carolina	12 jurors
D.C.	16 jurors	North Dakota	8 jurors
Florida	12 or 15 jurors	Ohio	9 jurors
Georgia	16 jurors	Okalahoma	12 jurors
Hawaii	8 jurors	Oregon	5 jurors
Idaho	12 jurors	Pennsylvania	15 jurors
Illinois	12 jurors	Rhode Island	12-23 jurors
Indiana	5 jurors	South Carolina	12 jurors
Iowa	5 jurors	South Dakota	6 jurors
Kansas	12 jurors	Tennessee	12 jurors
Kentucky	9 jurors	Texas	9 jurors
Louisiana	9 jurors	Utah	9 jurors
Maine	13 jurors	Vermont	18 jurors
Maryland	12 jurors	Virginia	5 or 7 jurors
Massachusetts	12 jurors	Washington	12 jurors
Michigan	13 jurors	West Virginia	15 jurors
Minnesota	16 jurors	Wisconsin	14 jurors
Mississippi	15 jurors	Wyoming	9 jurors
Missouri	12 jurors		

Chapter 4 **Grand Jury Meetings**

Federal grand juries meet regularly. However, the frequency does vary between judicial districts. Grand juries can be meeting at the same time in larger populated areas, whereas grand juries sitting in less populated areas may meet once a week or even once a month. As a “general rule,” federal grand juries meet when prosecutors need them to consider proposed indictments or to investigate possible criminal activities. This is not necessarily *always* the “rule.”

The same “standard” applies to state grand juries, although the secrecy and informality that encompass all grand jury proceedings makes it near impossible to accurately document how often they really do meet. It seems state grand juries are called into session by the court whenever the court or the prosecutor decides their assistance is needed. Understanding how crucial grand juries are, We the People can also call upon them, without any court or prosecutor deciding so.

Chapter 5

Alternates and Replacements

There are times when a juror may need to be replaced. Federal courts have the option to select alternate jurors when they impanel a grand jury, but this is not a requirement. Up until 1987, choosing alternate jurors was not an option. The Federal Rules of Criminal Procedure Rule 6 was amended so enable them to do so. Prior to 1987, federal courts replaced grand jurors by using the same procedure they used to choose the original jurors.

Today, most states do not allow alternates to be chosen when they impanel a grand jury. Arizona, Colorado, Georgia, Louisiana, Nebraska, Nevada, Ohio, Pennsylvania and South Carolina require a specific number of alternates be chosen when a grand jury is impaneled. Missouri, Montana, New Mexico, Oklahoma, Utah and Wyoming follow the current federal practice by allowing alternates to be chosen, however do not require a specific number of alternates.

The list below shows the number of alternate jurors that must be chosen. AN means the jurors are replaced As Needed. NS means the court chooses alternates when they impanel a grand jury but a specific number is not specified. Connecticut has no alternate or replacement jurors, because their grand jury consists of one, two or three judges. The citation, statute or court rule for each states policy is also given.

<u>STATE</u>	<u>SOURCE</u>	<u>Alternate Rule</u>	<u>STATE</u>	<u>SOURCE</u>	<u>Alternate Rule</u>
ALABAMA	ALA. R. CRIM. P. 12.2(c) & ALA. CODE 12-16-207(b)	AN	MONTANA	MONT. CODE ANN. 46-11-301(2)	NS
ALASKA	ALASKA R. CRIM. P. 6(f) & ALASKA STAT. 12.40.020	AN	NEBRASKA	NEB. REV. STAT. 25-1633 & NEB. REV. STAT. 29-1413	3
ARIZONA	ARIZ. REV. STAT. 21-401(1)	4	NEVADA	NEV. REV. STAT. 6.110(3) & 6.120(2)	12

<u>STATE</u>	<u>SOURCE</u>	<u>Alternate Rule</u>	<u>STATE</u>	<u>SOURCE</u>	<u>Alternate Rule</u>
ARKANSAS	ARK. CODE 16-32-201(f)	AN	NEW HAMPSHIRE		NS
CALIFORNIA	CAL. PENAL CODE 908.1	AN	NEW JERSEY	N.J. STAT. ANN. 2a:73-2	AN
COLORADO	COLO. REV. STAT. 13-72-103 & 13-72-106	4	NEW MEXICO	N.M. STAT. ANN. 31-6-1	NS
CONNECTICUT	CONN. GEN. STAT. 54-47(b)(3)	NA	NEW YORK	N.Y. CRIM. PRO. LAW 190.20(2)(B)	NI
DELAWARE	DEL. SUPER. CT. CRIM. R. 6(g)	AN	NORTH CAROLINA	N.C. GENERAL STATUTES 15a-622(h)	AN
D.C.	D.C. SUP. CT. R. CRIM. P. 6(G)	AN	NORTH DAKOTA	N.D. CENT. CODE 29-10.1-01-20	AN
FLORIDA	FLA. STAT. 905.01(2)	AN	OHIO	OHIO R. CRIM. P. 6(a)	Up to 5
GEORGIA	GA CODE 15-12-61(a) (alternates "may" be chosen)	3	OKLAHOMA	OKLA. STAT. ANN. TITLE 22, SECTION 329	NS
HAWAII	HAW. R. PENAL P. 6(g) & HAW. REV. STAT 612-16(e)	AN	OREGON	OR. REV. STAT. 132.110(2)	AN

<u>STATE</u>	<u>SOURCE</u>	<u>Alternate Rule</u>	<u>STATE</u>	<u>SOURCE</u>	<u>Alternate Rule</u>
IDAHO	ID. R. CRIM. P. 6(j)	AN	PENNSYLVANIA	PA. R. CRIM. P. 253(a)	7
ILLINOIS	ILL. REV. STAT. ch.725 5/112-3(c)	AN	RHODE ISLAND	R.I. SUPER. R. CRIM. P. 6 (g)	AN
INDIANA	IND. CODE 35-34-2-3(c)	AN	SOUTH CAROLINA	S.C. CODE ANN. 14-7-1510	3
IOWA	IOWA R. CRIM. P. 3(3)(C)	AN	SOUTH DAKOTA	S.D. CODIFIED LAWS 23a-5-20	AN
KANSAS	KAN. STAT. 22-3013(2)	AN	TENNESSEE	TENN. R. CRIM. P. 6(b)(1)	AN
KENTUCKY	KY. REV. STAT. 29a.260	AN	TEXAS	TEX. CRIM. PROC. CODE ANN. ARTICLE 19.18	AN
LOUISIANA	LA. CRIM. P. 413a	2	UTAH	UTAH CODE ANN. 77-10a-7(2)	NS
MAINE	MAINE R. CRIM. P. TIT. 14, SECTION 1216	AN	VERMONT	VERMONT R. CRIM. P. 6(h)	AN
MARYLAND	MD. CODE ANN, CTS. & JUD. PROC. SECTION 8-208	NS	VIRGINIA	VA. CODE ANN. 19.2-196	AN
MASSACHUSETTS	MASS. GEN. LAWS ANN. ch.234a SECTION 30	AN	WASHINGTONG	WASH. REV. CODE ANN. 10.27.060(2)	AN

<u>STATE</u>	<u>SOURCE</u>	<u>Alternate Rule</u>	<u>STATE</u>	<u>SOURCE</u>	<u>Alternate Rule</u>
MICHIGAN	MICHIGAN COMP. LAWS AQNN. SECTION 767.8	AN	WEST VIRGINIA	W.VA. R. CRIM. P. 6(g) & W.VA. CODE 52-2-10	AN
MINNESOTA	MINN. R. CRIM. P. 18.09	AN	WISCONSIN	WIS. STAT. ANN. 756.16	NI
MISSISSIPPI	MISS. UNIF. R. CIR. & CTY. Ct. 7.02	AN	WYOMING	WYO. R. CRIM. P. 6(a)(4)(C) & WYO. STAT. 7-5-103(b)	NS
MISSOURI	MO. ANN. STAT. SECTION 540.021(4)	NS			

Chapter 6
Grand Jury Proceedings Recorded

In 1946, recordings of federal grand jury proceedings were authorized by the adoption of Rule 6 of the Federal Rules of Criminal Procedure. However, this only allowed for the proceeding to be recorded and is not a requirement. In 1979, Rule 6 was revised, and now requires federal grand jury proceedings to be recorded by stenograph or electronically. This requirement provides a “check” on the prosecutors’ abuse of the grand jury process. It was believed prosecutors would be inhibited from engaging in misconduct before a grand jury since their actions and activities were being recorded.

Thirty-six states (1) and the District of Columbia require the grand jury proceedings to be recorded, while twelve states (2) make the recordings of grand juries optional. North Carolina only requires “special grand juries” to record their proceedings. Oregon requires that either a grand juror be appointed as clerk and take the minutes or a court reporter is appointed to record the proceedings.

Twenty states use stenographic recordings(3), nineteen states and the District of Columbia are recorded by stenograph or electronically(4), and seven states use a stenographer or a grand jury member who is appointed to keep the minutes(5)

Alaska and Idaho require the proceedings to be recorded electronically, Florida requires a grand juror be appointed to take minutes of the proceedings, while Iowa appoints someone to record the minutes with the option of choosing a grand juror or someone else.

1. The 36 states referred to are Alabama, Alaska, Arizona, California, Colorado, Connecticut, Florida, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Hampshire, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia and Wyoming.
2. The 12 states referred to are Arkansas, Delaware, Georgia, Idaho, Louisiana, Maine, Maryland, Michigan, New Hampshire, Ohio, Texas and Wisconsin.
3. The 20 states referred to are Alabama, Arizona, California, Colorado, Connecticut, Illinois, Kansas, Maine, Maryland, Massachusetts, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Pennsylvania, Tennessee, Texas and Wisconsin.
4. The 19 states referred to are Delaware, Georgia, Hawaii, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Montana, New Jersey, Ohio, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia and Wyoming

5. The 7 states referred to are Arkansas, Michigan, Missouri, North Dakota, Oklahoma, Oregon and South Dakota.

Chapter 7 **Grand Jury Officers/Foreman**

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Common Law Grand Juries had a foreman. They administered the oath prior to a witness giving a testimony. They additionally ensured evidence was received by the grand jury, and ran the grand jury sessions. Federal grand juries have a “foreperson” and a “deputy foreperson,” who takes over when the “foreperson” is not in attendance of the sessions.

Forty-nine states and D.C. have a grand jury foreman (foreperson). Twenty-four of these grand juries foremen (forepersons) or presiding jurors are given a “deputy.” Five states have added another officer known as the grand jury’s clerk. In Nevada, they are known as the grand jury’s secretary. Some federal grand juries choose a secretary although federal law doesn’t recognize that position.

Idaho, Kansas and Wyoming use a “presiding juror” instead of a foreperson. Connecticut eliminated grand juries composed of citizens, therefore the need of such foreperson is null and void. Their grand jury is now composed of one, two, or three judges.

The following key is related to the table given below for a quick reference as to the officers each states’ grand jury has.

FM - foreman or foreperson

DF - deputy foreman or deputy foreperson

PJ - run by a presiding juror

DPJ - deputy presiding juror

CL - clerk

SY - secretary

<u>STATE</u>	<u>Officers</u>	<u>STATE</u>	<u>Officers</u>
Alabama	FM, DF	Montana	FM
Alaska	FM, DF	Nebraska	FM
Arizona	FM, DF	Nevada	FM, DF, SY
Arkansas	FM, CL	New Hampshire	FM, CL
California	FM, DF	New Jersey	FM, DF
Colorado	FM, DF	New Mexico	FM
Connecticut	(They use judges in grand juries – no such offices exist)	New York	FM, DF, SY
Delaware	FM, DF	North Carolina	FM
D.C.	FM, DF	North Dakota	FM, DF, CL
Florida	FM, DF, CL	Ohio	FM
Georgia	FM	Okalahoma	FM, CL
Hawaii	FM, DF	Oregon	FM, DF, CL
Idaho	PJ, DPJ	Pennsylvania	FM, SY
Illinois	FM	Rhode Island	FM, DF

Indiana	FM, CL	South Carolina	FM, DF
Iowa	FM	South Dakota	FM, DF, CL
Kansas	PJ, DPJ	Tennessee	FM
Kentucky	FM	Texas	FM
Louisiana	FM	Utah	FM, DF
Maine	FM	Vermont	FM, DF
Maryland	FM	Virginia	FM
Massachusetts	FM, CL	Washington	FM, DF
Michigan	FM	West Virginia	FM, DF
Minnesota	FM, CL	Wisconsin	FM, CL
Mississippi	FM	Wyoming	PJ, DPJ
Missouri	FM		

Chapter 8

Grand Juries Are In Danger

The Fifth Amendment of the Constitution requires a grand jury to bring forth an indictment for federal charges for capital and infamous crimes. This means the federal system cannot abolish grand juries. Doing so would no longer enable them to file criminal charges against alleged criminals.

However, the U.S. Supreme Court held that this requirement does not bind or apply to the states. The states can decide whether to use a grand jury or to abolish them. Remember

There are four categories the states fall into (with the exception of one state).

1. **States which have given the Legislature the authority/power to abolish grand juries:** Colorado, Connecticut, Illinois, Indiana, Iowa, Nebraska, North Dakota, South Dakota, Utah and Wyoming – Note: Connecticut removed the people from the grand juries and replaced them with judges.
2. **States which have given the Courts the authority/power to abolish the indicting grand jury:** Pennsylvania-county courts are able to bring forth criminal charges without using the grand jury. ALL county courts have done so.
3. **States that deny the power to abolish grand juries or require utilizing grand juries to charge specific offenses:** Alabama, Alaska, Delaware, Florida, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Virginia and West Virginia. NOTE – the Fifth Amendment binds D.C.; it must use the grand jury to charge ‘capital or otherwise infamous crimes.’
4. States allow, but do not require grand jury to be used for some purposes: Arizona, Arkansas, California, Georgia, Hawaii, Idaho, Kansas, Maryland, Michigan, Montana, Nevada, New Mexico, Oklahoma, Oregon, Vermont, Washington and Wyoming. They have not authorized the abolishing of grand juries, however, they have no requirement that grand juries are to be used to return charges.

As stated before, all states fall into one of the four categories, with the exception of one state. North Dakota requires grand juries are utilized for felony charges; however, North Dakota has given its legislature the ability to abolish the grand jury.

Chapter 9

Grand Jury Room

Grand juries proceedings are secret. Federal grand juries meet in “special grand jury rooms.” Many states require by law (statute) grand juries to meet in private locations and that sessions are to remain secret.

New Mexico law (statute) states that the grand jury sessions “will be conducted in a private room outside the hearing or presence of any person other than the grand jury members.”

Kentucky and North Dakota have made it the county officials responsibility to provide private rooms for grand juries.

The Texas county sheriffs’ have this obligation.

The Attorney General in Mississippi must provide such rooms for the grand jury.

Chapter 10

Grand Jury Duties

Colonial grand juries basically ran the local government, and supervised bridge maintenance, the building of roads, the operation of local jails, and much more. Throughout America's history, government has taken over (plausibly usurped) by creating administrative departments and agencies, and the grand juries duties were essentially taken (plausibly stolen). They now basically have two jobs to perform (duties): Indicting and Investigating.

Indicting: Grand juries hear evidence presented to them (usually by a prosecutor since the people have forgotten they have the ability to bring forth evidence as well). Prosecutors usually submit an "indictment" (a statement of proposed charges). After reviewing the evidence, if a majority of the jurors vote for an indictment, (meaning they believe there is 'probable cause' that the named person(s) is guilty of said charge(s), they return the indictment which initiates a criminal case, naming the person(s) as the defendant(s).

Twenty-three states⁽¹⁾ and D.C require indictments be used to charge serious crimes and allow other charging instruments, such as information and complaints to be used to bring charges for minor felonies and misdemeanors. Information and complaints are unlike indictments because a prosecutor acting without the assistance of the grand jury initiates them.

Twenty-five states⁽²⁾ make the use of indictments an option. Prosecutors use either an indictment or information to charge any offense.

Connecticut and Pennsylvania have abolished the use of grand juries to return indictments, but have kept the investigating grand jury. The electorate in both states amended their states' constitution, thus approving to abolish the indicting grand jury. In Connecticut, the determination of "probable cause" is now determined in a hearing before the judge. Pennsylvania county courts were given the option of using information instead of indictments, and all county courts ended the use of the indicting grand jury.

Investigating – All grand juries used to investigate both criminal activity and public affairs, however, not all states give the grand jury both functions even though they retain the ability to perform in both areas.

Investigating criminal activity: Federal grand juries are able to investigate criminal activity. They do not initiate their own investigations. They are simply used as a tool used by federal prosecutors to conduct investigations. Through the use of the grand jury, prosecutors are enabled to subpoena witnesses, have them testify under oath, as well as subpoena any and all evidence.

ALL grand juries in every state and D.C. can investigate criminal activity, even in Connecticut and Pennsylvania, which eliminated the indicting grand jury. Connecticut removed the people as grand jurors, and now the grand jury is made up of one to three judges.

Some grand juries are only able to investigate criminal activity brought forth by a prosecutor or a court. This may be due to the lack of the people utilizing their grand juries. Other grand juries are able to investigate any possible criminal activity, as long as it occurs within their county. Other state grand juries investigate specific criminal activity, such as drug or organized crimes. These are also known as “special grand juries,” “statewide grand juries,” “state grand juries,” or “multi-county grand juries,” and are usually seated in addition to the regular grand juries.

Investigating non-criminal activity:

Federal grand juries no longer have the ability to investigate non-criminal activities (also known as ‘civil matters’). This was abolished in 1946 when the Federal Rules of Criminal Procedure was adopted.

All state grand juries still obtain this ability. They can investigate the operation and condition of confinement facilities (such as jails). Some states have required the grand juries to investigate such institutions, while other states simply permit them to do so⁽³⁾.

Other grand juries investigate the conduct/misconduct of county officers and employees⁽⁴⁾, while other grand juries monitor elections and bring forth criminal charges upon those whom they believe committed improprieties. ⁽⁵⁾

Some grand juries are given specific tasks, like Alabama, which must investigate the county pension list and determine if anyone is receiving a pension who is not supposed to. Grand juries in California examine closely any transfers of land which “might or should escheat to the State of California,” as well as investigate non-profit corporations. Georgia grand juries are appointed with approving any and all proposed changes in a county’s boundary, and set the yearly paid compensation to probate court judges, court clerks and bailiffs. Grand juries in Tennessee are obliged to investigate those who are required to comply with state rules regarding cat and dog rabies vaccinations. Pennsylvania grand juries are required to approve proposals of erecting statutes that honor military veterans. Other grand juries “investigate and make recommendations concerning the public welfare or safety,” such as the grand juries in Alaska and Nevada.

Other states, such as Alaska and Nevada, simply instruct their grand juries to “investigate and make recommendations concerning the public welfare or safety.”

1. The 23 states referred to are Alabama, Alaska, Delaware, Florida, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, New

Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Virginia and West Virginia.

- 2. The 25 states referred to are Arizona, Arkansas, California, Colorado, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Utah, Vermont, Washington, Wisconsin and Wyoming.
- 3. The states referred to are Alaska, Arizona, Arkansas, California, Georgia, Idaho, Iowa, Illinois, Louisiana, Maryland, Minnesota, Missouri, Mississippi, Nebraska, North Carolina, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee and Wyoming.
- 4. The states referred to are Alabama, Arkansas, California, Minnesota, Missouri, North Dakota, Nevada, New York, Oklahoma and Tennessee.
- 5. The states referred to are Arkansas, Florida, Georgia, Kansas, Kentucky, Tennessee and Texas.